



## Maynard, O'Connor, Smith & Catalinotto, LLP

ATTORNEYS AT LAW

Michael E. Catalinotto

Thomas G. Daley

James R. Schultz

Bruce A. Bell

Concetta R. Lomanto

Edwin J. Tobin, Jr.

Michael E. Catalinotto, Jr.

Robert A. Rausch

Anne-Jo Pennock McTague, RN

Alexander L. Stabinski

Adam T. Mandell

3154 Route 9W  
P.O. Box 180  
Saugerties, New York 12477  
(845) 246-3666  
Fax (845) 246-0390

6 Tower Place  
Albany, New York 12203  
(518) 465-3553  
Fax (518) 465-5845  
[www.maynardoconnorlaw.com](http://www.maynardoconnorlaw.com)

122 West Main Street  
Johnstown, New York 12095  
(518) 762-4212  
Toll Free (800) 721-3553

Justin W. Gray  
Aaron F. Carbone  
Andrew S. Holland

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OF COUNSEL  
Angelo D. Lomanto

Christopher K.H. Dressler  
(1980-2010)

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September 30, 2015

### **Maher v Quality Bus**

Our File No.: 149.29644

Docket No.: 14 CV 3586 (JCM)

**Via ECF Only**

Magistrate Judge Judith C. McCarthy  
United States District Court  
Southern District of New York  
300 Quarropas Street, Courtroom 421  
White Plains, New York 10601

Dear Judge McCarthy:

Enclosed herewith for Your Honor's consideration, please find defendant, Quality Bus Service, LLC's Notice of Motion together with Attorney Declaration, supporting Exhibits and Affidavits, Statement of Material Facts and Memorandum of Law for an Order dismissing the punitive damages claims of the plaintiff.

By copy of this letter, all parties are being notified using the ECF filing system only.

Very truly yours,

**MAYNARD, O'CONNOR, SMITH & CATALINOTTO, LLP**

By Michelle L. Altieri  
Michelle L. Altieri, Paralegal  
[altieri@mynardoconnorlaw.com](mailto:altieri@mynardoconnorlaw.com)

Enc.

cc: Vincent Cimini, Esq. (via ECF/CMS)  
Evan Foulke, Esq. (via ECF/CMS)  
Keith LaRose, Esq. (via ECF/CMS)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JUSTIN T. MAHER,

-against-

CAITLIN H. RAILO and  
QUALITY BUS SERVICE, LLC,

Defendants.

Plaintiff,

NOTICE OF MOTION

Case No:14 CV 3586 (VLB)

Hon. Judith C. McCarthy

**PLEASE TAKE NOTICE**, that upon the Attorney Declaration of Adam T. Mandell, Esq., Affidavit of Michael Martucci, Affidavit of Mary Koselnak, Affidavit of Karen Wells and Affidavit of Patricia Ames, NP, inclusive of all exhibits annexed thereto, Statement of Material Facts Pursuant to Local Civil Rule 56.1, and the accompanying Memorandum of Law, and all prior pleadings and proceedings heretofore had herein, a Motion will be made in Courtroom 421, 300 Quarropas Street, White Plains, NY 10601, at Term of this Court to be held on November 2, 2015 at 2:00 in the forenoon, or as soon thereafter when Counsel can be heard, for an Order pursuant to Rule 12 (c) and Rule 56 (a) of the Federal Rules of Civil Procedure, dismissing the plaintiff JUSTIN T. MAHER's punitive damages claims, as well as his claims for Negligence & Corporate Liability (Count III) and Negligent Entrustment (Count IV), contained in the Second Amended Complaint (Doc. 8), as against the defendant QUALTY BUS SERVICE, LLC, together with such other and further relief as to this Court seems just and proper.

**PLEASE TAKE FURTHER NOTICE**, that Opposing Affidavits, if any, must be served upon the undersigned counsel for the defendant QUALITY BUS SERVICE, LLC, on or before October 19, 2015, in accordance with the Court's September 2, 2015 Order.

Dated: September 30, 2015

MAYNARD, O'CONNOR, SMITH  
& CATALINOTTO, LLP



Adam T. Mandell, Esq.  
[Bar Roll No. AM0612]  
Attorneys for the defendant  
QUALITY BUS SERVICE, LLC  
P.O. Box 180  
Saugerties, New York 12477  
(845) 246-3668  
[mandell@marnardoconnorlaw.com](mailto:mandell@marnardoconnorlaw.com)

To: Law Offices of Cognetti & Cimini *(via ECF/CM)*  
Counsel for the Plaintiff Justin T. Maher  
Scranton Electric Bldg., 7<sup>th</sup> Floor  
507 Linden Street  
Scranton, PA 18503

Evan M. Foulke, Esq. *(via ECF/CM)*  
Foulke Law Offices  
Counsel for the Plaintiff Justin T. Maher  
25 Main Street, 3<sup>rd</sup> Floor  
Goshen, New York 10924

Keith V. LaRose, Esq. *(via ECF/CM)*  
LaRose & LaRose  
Counsel for Codefendant Caitlin H. Railo  
510 Haight Avenue  
Poughkeepsie, New York 12603